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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,713	03/06/2001	Philip M. Abram	50N3704.01	4047

7590 12/05/2003

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EXAMINER	
WALLERSON, MARK E	

ART UNIT	PAPER NUMBER
2626	12

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/800,713	Abram et al
Examiner	**Art Unit**
Mark Wallerson	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Aug 11, 2003* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *10-35, 47, and 48* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *10-35, 47, and 48* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **8/11/2003.**

2. This application has been reconsidered. Claims 10-35, 47 and 48 are pending.

Claim Rejections - 35 USC § 112

3.The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether "a coloring book" in line 5 of the claim is the same "a coloring book" in line 3 of the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 10, 13, 14, 15, 16, 17, 18, 19, 20, 34, 35, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector (U. S. 6,356,274) in view of Manico (U. S. 6,373,551) and Chee (U. S. 6,099,928).

With respect to claims 10, 15, 17, 34, 35, and 48, Spector discloses a method comprising rendering a line-art image from a digital image (which reads on converting a colored picture into a line drawing) (the abstract, lines 1-3); formatting a coloring book (the printed sheets) image rendered from the line-art image (column 2, lines 44-52), and printing the image (column 2, lines 44-52), wherein the coloring book image represents the digital image (column 2, lines 11-17) and includes at least one fillable area (color-in zones) (column 4, lines 45-51).

Spector differs from claims 10, 17, 34, 35, and 48, in that he does not clearly disclose receiving the digital image at a server and transmitting the coloring book image to a client.

Manico discloses a method for processing digital film using a coloring book algorithm (column 4, lines 45-62) wherein a digital image is received at a server (450) and transmitted to a client (column 5, lines 43-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector to receive the digital image at a server and transmit the coloring book image to a client. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector by the teaching of Manico in order allow the customer to easily obtain the image.

Spector as modified also differs from claims 10, 17, 34 and 35 in that he does not clearly disclose including the coloring book image with a story board and attaching plural images to form a coloring book.

Chee discloses a method for forming coloring books (column 3, lines 19-23) wherein plural images are attached (hinged) to form a book (column 3, lines 15-35) and including the coloring book image within a story board (figure 4 and column 7, lines 40-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector as modified to include the coloring book image with a story board and attach plural images to form a coloring book. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector as modified by the teaching of Chee in order to obtain a greater range of images.

With respect to claims 13, 14, 18, and 19, Spector differs from claims 13, 14, 18, and 19 in that he does not clearly disclose the printing is performed at a public kiosk.

Manico discloses a method for communication of digital images generated from film utilizing a kiosk (520) to generate and print the images (column 5, lines 43-52). Manico also discloses that a fee is charged for printing at the kiosk (column 4, lines 37-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector whereby the printing is performed at a public kiosk. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector by

the teaching of Manico in order to give the customer easier public access to produce the coloring sheets.

With respect to claims 16 and 20, Spector discloses the digital image covers the full range of colors (column 3, lines 50-66).

7. Claims 11 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector in view of Manico and Chee as applied to claim 10 above, and further in view of Schipper (EP 0713788).

With respect to claims 11 and 12, Spector as modified differs from claims 11 and 12, in that he does not clearly disclose generating a color sample, assigning an image area to the sample and printing an index name and number with the sample. Schipper discloses dividing an image formed on an electronic camera into contoured fields or regions. The fields are given an identifier and the image is printed out, thereby enabling automatic generation of painting by numbers originals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector as modified in order to assist the user in coloring the images.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 21, 22, 26, 31, 32, 33, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector in view of Chee.

With respect to claims 21, 22, 26, 31, 33, and 47, Spector discloses a method comprising rendering a line-art image from a digital image (which reads on converting a colored picture into a line drawing) (the abstract, lines 1-3); formatting a coloring book (the printed sheets) image rendered from the line-art image (column 2, lines 44-52), transmitting the coloring book to the client (which reads on displaying or printing the image) (figure 4), and printing the image (column 2, lines 44-52), wherein the coloring book image represents the digital image (column 2, lines 11-17) and includes at least one fillable area (color-in zones) (column 4, lines 45-51).

Spector differs from claims 21, 33 and 47 in that he does not clearly disclose attaching plural images to form a coloring book.

Chee discloses a method for forming coloring books (column 3, lines 19-23) wherein plural images are attached (hinged) to form a book (column 3, lines 15-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector as modified to attach plural images to form a coloring book. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector as modified by the teaching of Chee in order to obtain a more compact book.

With respect to claim 32, Spector discloses the digital image covers the full range of colors (column 3, lines 50-66).

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector in view of Chee as applied to claim 21 above, and further in view of Schipper (EP 0713788).

With respect to claims 23-25, Spector as modified differs from claims 23-25, in that he does not clearly disclose generating a color sample, assigning an image area to the sample and printing an index name and number with the sample. Schipper discloses dividing an image formed on an electronic camera into contoured fields or regions. The fields are given an identifier and the image is printed out, thereby enabling automatic generation of painting by numbers originals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector as modified in order to assist the user in coloring the images.

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector in view of Chee as applied to claims 21 and 26 above, and further in view of Manico.

With respect to claims 27, 28, 29, 30, Spector as modified differs from claims 27, 28, 29, 30 in that he does not clearly disclose the printing is performed at a public kiosk.

Manico discloses a method for communication of digital images generated from film utilizing a kiosk (520) to generate and print the images (column 5, lines 43-52). Manico also discloses that a fee is charged for printing at the kiosk (column 4, lines 37-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector as modified whereby the printing is performed at a public kiosk. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spector as modified by the teaching of Manico in order to give the customer easier public access to produce the coloring sheets.

Response to Arguments

14. Applicant's arguments with respect to claims 10-35, 47 and 48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. All claims are rejected.

16. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
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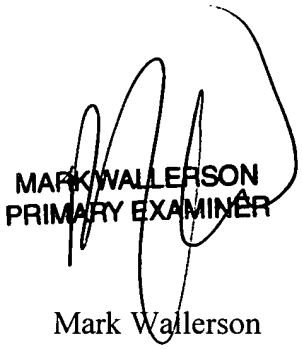
Sixth Floor (Receptionist)



Mark Wallerson